

### REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed June 16, 2005, and Interview Summary mailed August 19, 2005. At the time of the Final Office Action, Claims 1-15 and 18-30 were pending in this Application. Claims 1-15 and 18-30 were rejected. Claims 4, 5, 8, 10, 11, 15, 20, 23-27 and 30 have been amended to further define various features of Applicants' invention. Claims 16 and 17 were previously cancelled without prejudice or disclaimer. Claims 1-3, 6, 7, 9, 12, 13, 14, 18, 19, 21, 22, 24, 25, 26, 28 and 29 have been cancelled by this response without prejudice or disclaimer. New Claims 31-35 have been added. Applicants respectfully request reconsideration and favorable action in this case.

#### Interview Summary

Applicants appreciate Examiner Lee taking the time to discuss the instant Application with Applicants' attorney of record, Thomas R. Felger, during a telephonic interview on August 17, 2005. The Examiner encouraged the Applicants to present arguments regarding the compression algorithm and suggested the Applicants further narrow the features of Claim 1. Applicants agree with the summary. The pending claims have been amended and new Claims 31-35 have been added based on the Examiner's comments and suggestions.

#### Rejections under 35 U.S.C. §102

Claims 21, 24, 27-28 and 30 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,462,644 issued to Thomas P. Howell et al. ("Howell").

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Howell states in column 9 lines 7-17:

“Alternatively, it is not necessary to form delta or DEX<sub>D</sub> files. For example, where the communication technology bases billing upon a fixed connection charge having a set minimum connection time, it is unnecessary to minimize the size of the data transmission so long as the connection time does not exceed the set minimum time being charged. So if data quantity is not a primary concern, then full DEX files rather than delta DEX or DEX<sub>D</sub> files can be transmitted. As an alternative to forming the delta DEX or DEX<sub>D</sub> files, the full DEX files can be compressed using conventional technology. This variation on the technique is depicted in FIGS. 6A-6E.

Claims 21, 24 and 28 have been cancelled. Claims 27 and 30 have been amended to be dependent from new Claim 32 which includes various steps which are neither shown nor taught by Howell. For example, Claim 32 calls for “...restructuring of the records, based upon the template, allowing higher compression ratios to be achieved when the data compression algorithm is applied to the calculated delta.” Applicants respectfully submit that new Claim 32 is allowable. Therefore, Claims 27 and 30 which depend from new Claim 32 are also allowable.

### **Rejections under 35 U.S.C. §103**

Claims 22-23 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Howell. Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiments of the invention obvious.

Claims 1-15, 18-20 and 25-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Howell in view of U.S. Patent No. 6,338,149 issued to Lawrence T. Ciccone, Jr. et al. (“Ciccone”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiments of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580

(C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Howell describes various features of a wide area network of vending machines which may be connected to a host that builds a database of vending related information received from the vending machines. As previously noted, Howell discusses the use of DEX files and forming a delta with respect to such DEX files. Howell also discusses various features such as using a template to restructure records or using data compression. Ciccone shows various features of a change monitoring system for a computer system which includes programs for creating and managing a plurality of templates representative of the computer system.

Applicants respectfully submit that the Examiner has not cited any reference which would teach combining the various features of Howell with the various features of Ciccone. Applicants note that the Examiner cannot use the teaching of Applicants' invention to combine Howell and Ciccone. Applicants further note that, even when Howell and Ciccone are combined, the combined reference does not show or teach Applicants' invention as defined in amended Claim 20 or new Claims 31-35.

Claim 20 as amended calls for various features of Applicants' invention including, but not limited to, "a system for acquiring data...the network operations center communicatively coupled to a wide area network device via a wide area network...the network operations center communicatively coupled to a local area network device via the wide area network...the template operable to restructure data from the selected record into a field that does not change frequently and a field that does change frequently...." Applicants respectfully submit that neither Howell nor Ciccone show or teach a system having various features as defined in amended Claim 20. Applicants request withdrawal of all rejections and allowance of Claim 20 as amended.

New Claim 31 calls for communicating information using **a wide area network device, a local area network device, a DEX/UCS protocol and a delta scheme**. Neither Howell nor Ciccone show or teach using these communication schemes in combination with the other steps defined in new Claim 31.

For example new Claim 31 calls for a method of communicating information associated with states of a remote device such as “. . . establishing a current state of the remote device selected from the group consisting of **inventory levels, conditions of device hardware and any other characteristic capable of being monitored and contained in the original DEX/UCS data block**...selecting records at the remote device based upon the at least one request as specified in a template from the original DEX/UCS data block . . . restructuring, at the remote device, the selected records in a preferred order according to the template . . . calculating a delta . . . transmitting the delta . . . recreating the current state of the remote device at the network operations center using the delta between the restructured records and the previous state stored in the database.” Neither Howell nor Ciccone show or teach a method of communicating the current state of a remote device as defined in new Claim 31.

New Claim 32 calls for various steps of a method for communicating data between a network operations center and at least one remote device which are neither shown nor taught by Howell and/or Ciccone. For example, Claim 32 calls for “transmitting a data request for a current state of the at least one remote device from the network operations center to the at least one remote device . . . transmitting an **error check cyclic redundancy check value** from the network operations center to the at least one remote device **as part of the data request** . . . restructuring the selected records at the remote device, based on a template, to establish the current state of the remote device . . . calculating a delta . . . applying a data compression algorithm to the calculated delta . . . restructuring of the selected records, **based upon the template**, allowing higher compression ratios to be achieved when the data compression algorithm is applied to the calculated delta . . .” Applicants note that Ciccone does discuss the use of templates and the use of a modified cyclic redundancy check (“CRC”). See for example, column 1 lines 56–67. See for example, column 5 lines 10–14 and column 12 lines 1–22. However, neither Ciccone nor Howell show or teach a method of communicating data as defined in new Claim 32.

New Claim 33 calls for various features of a system for communicating data including, but not limited to, "a template for restructuring the selected records at the remote device . . . the remote device operable to restructure the records according to the template . . . the remote device operable to calculate a delta between the restructured records and a stored set of records . . . the data compression algorithm operable to reduce the delta in size with a higher compression ratio resulting from use of the template . . . the remote device operable to transmit the compressed delta to the network operations center using the wide area network."

**Information Disclosure Statement**

Applicants also enclose a new Information Disclosure Statement and PTO Form 1449 and copies of the references, for the Examiner's review and consideration. Applicant believes there are no fees due since we are filing a Request for Continued Examination (RCE.) However, if there are fees due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

**Request For Continued Examination**

Applicants respectfully submit herewith a Request for Continued Examination (RCE) Transmittal, and a check in the amount of \$790.00 for the required filing fee. Applicants believe there are no additional fees due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

**CONCLUSION**

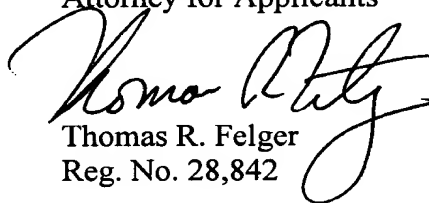
Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 4, 5, 8, 10, 11, 15, 20, 23, 27 and 30 as amended and new Claims 31-35.

Applicants believe there are no additional fees due other than the filing fee for the RCE in the amount of \$790.00 enclosed herewith and mentioned above; however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2599.

Respectfully submitted,

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Date: 24 AUG 2005

- Enclosures:    1.    Information Disclosure Statement and PTO-1449 Form and references  
                  2.    Request for Continued Examination (RCE) and check for filing fee